IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 8432 of 2007(D)

PETITIONER:

PEARL SPOT RESORTS LTD., REPRESENTED BY
G.PRABHAKAR KAMMATH, REG.OFFICE 59/1351,
2ND FLOOR, ARANGATH ROAD, PULLEPPADY,
ERNAKULAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

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1. THE SECRETARY,
PALLIVASAL GRAMA PANCHAYATH,
PALLIVASAL, DEVIKULAM TALUK,
DIST.IDUKKI.

2. THE TAHSILDAR,
DEVIKULAM TALUK DIST. IDUKKI.

3. THE SUB COLLECTOR,
DEVIKULAM, DIST. IDUKKI.

4. THE COMMISSIONER & SECRETARY,
REVENUE DEPARTMENT, STATE OF KERALA,
THIRUVANANANTHAPURAM.

BY G.P. SMT.T.B.RAMANI

BY ADV. SRI.K.JAJU BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 8432 of 2007

Dated this 9th day of April, 2007

JUDGMENT

There is controversy at the bar between Sri.K.Reghu Kottappuram and Smt.T.B.Ramani, the learned Government Pleader as to whether Ext.P9 order will enable the petitioner to construct the roads, construction of which are sought to be prevented by Ext.P13 order of the District Collector. The counsel for the petitioner submits that Ext.P9 order of the Government will enable the petitioner to construct the roads and that it was beyond the powers of the Collector to pass Ext.P13 virtually amounting to withdrawal of Ext.P9. The Government Pleader submits that Ext.P9 will not enable the petitioner to construct roads as presently attempted by the petitioner.

2. Under these circumstances, I am of the view that the petitioner is to approach the Government and seek requisite clarification in the matter regarding the scope of Ext.P9.

I dispose of the writ petition directing the petitioner to

approach the Government seeking appropriate clarification. If the petitioner files an application in that regard before the Government within two weeks from today, the Government will consider the application and pass appropriate orders within another two weeks from that day.

PIUS C.KURIAKOSE
Judge

dpk